

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CAROLYN DIFRANCESCO, et al.,

Plaintiffs,

v.

ORDER  
09-CV-725A

EXPRESS SCRIPTS, INC.,

Defendant.

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The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On November 6, 2009, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that plaintiffs' motion to remand the action to New York State Supreme Court, Erie County, be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiffs' motion to remand the action to New York State Supreme Court, Erie County is granted.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: December 7, 2009